

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 21, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Walther Apolinar-Cabrera

Case Number: 0980 1:19CR02002-SAB-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: November 20, 2019

Original Offense: Alien in the United States After Deportation, 8 U.S.C. § 1326

Original Sentence: Prison - 2 months
TSR - 12 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: United States Attorney's Office

Date Supervision Commenced: January 3, 2020

Defense Attorney: Federal Public Defender

Date Supervision Expires: Tolling

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violation previously reported to the Court on 02/14/2020. An arrest warrant was previously issued by the Court for Mr. Apolinar-Cabrera.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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2

Mandatory Condition # 1: You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Apolinar-Cabrera is considered to be in violation of his supervision conditions by being charged with driving with a license suspended on November 16, 2024.

Per Pasco Police Department case number 2024-00064123, on November 16, 2024, at 1153 hours, Officer McClintock responded to the area of West Argent Road and Road 68 for a report of a 3-vehicle blocking collision.

Officer McClintock arrived and spoke with MD, the driver of vehicle 2, who stated he and vehicle 3 were waiting for the red light at Road 68 and West Argent Road, when vehicle 1 hit vehicle 2, then vehicle 2 due to the impact hit the trailer, which was hooked onto vehicle 3. There was significant damage to MD's vehicle, while his passengers (KD and SD), and himself were having neck pain but did not want an ambulance.

Officer McClintock talked to JRE, the driver of vehicle 3, who stated he was stopped for the red light as he was facing north on Road 68 just before West Argent Road, when his trailer was hit from behind by vehicle 2. It did not appear his trailer or pickup, which was

Prob12C

Re: Apolinar-Cabrera, Walther**November 21, 2024****Page 2**

pulling the trailer, were damaged.

Officer McClintock requested Officer Rivera to assist him, who arrived and spoke with the driver of vehicle 1, Mr. Apolinar-Cabrera, who stated he just did not see what was happening. He gave a name of Apolinar, Leonardo, with a date of birth (DOB) of 01/09/1988. Mr. Apolinar-Cabrera stated he did not have a license, identification, or any type of passport. He was taken into custody, searched incident to arrest, and the officer located a Washington State identification card in his wallet with a name of Walther Apolinar Cabrera, with a DOB of 05/11/1988.

Mr. Apolinar-Cabrera's information was run and found to have a third degree driving while license suspended/revoked, and also had a confirmed warrant out of the US Marshals Office.

Mr. Apolinar-Cabrera was read his Miranda warning, which he stated he understood and was willing to talk with officers. Mr. Apolinar-Cabrera stated he lied because he was scared, knew he had a suspended driver's license, and thought he had a warrant. His vehicle was towed by Pasco Towing.

Mr. Apolinar-Cabrera was transported to the Franklin County Jail and while en route to the jail, he passed out in the patrol vehicle back seat. While at the jail, he was issued an infraction for following too close and no insurance, issued a criminal citation, and booked for third degree driving while license suspended/revoked, false information, and his federal warrant.

While at the Franklin County Jail, the officer suspected Mr. Apolinar-Cabrera to have been drinking. He refused to conduct a Standardized Field Sobriety Test while in the sally port of the jail. The officer did not have enough to charge him with driving under the influence, but jail staff performed a Preliminary Breath Test (PBT), as is their process to see if he had to get cleared at a hospital. The PBT indicated a 0.18 result for blood alcohol content.

At that time, Mr. Apolinar-Cabrera was not issued a criminal citation for an ignition interlock device, however, it appeared he was required to have an interlock device, which was not in the vehicle he was driving. The officer would be writing up the criminal citation and asking this charge be added to this case through the prosecutors office.

3 **Mandatory Condition # 1:** You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Apolinar-Cabrera is considered to be in violation of his supervision conditions by being charged with vehicle operator refusing to cooperate with police on November 16, 2024.

Please refer to narrative for violation number 2 above.

4 **Mandatory Condition # 1:** You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Apolinar-Cabrera is considered to be in violation of his supervision conditions by being charged with failing to have an ignition interlock device as required, on November 16, 2024.

Please refer to narrative for violation number 2 above.

Prob12C

Re: Apolinar-Cabrera, Walther

November 21, 2024

Page 3

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 21, 2024

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/21/2024

Date